



April 4, 2003

ENGROSSED HOUSE BILL No. 1731

DIGEST OF HB 1731 (Updated April 1, 2003 12:57 PM - DI 110)

Citations Affected: IC 9-13; IC 9-19; noncode.

Synopsis: Motor vehicle air bags. Makes it a Class A misdemeanor to knowingly or intentionally install in a motor vehicle any object in place of an air bag in the motor vehicle's inflatable restraint system if the installed object fails to comply with federal requirements and a Class D felony if an injury occurs as a result of the installation. Makes it a Class D felony to knowingly or intentionally sell, lease, trade, or transfer a motor vehicle that has been installed with any object in place of an air bag in the motor vehicle's inflatable restraint system if the installed object fails to comply with federal requirements.

Effective: July 1, 2003.

Aguilera, Ayres, Duncan

(SENATE SPONSORS — MEEKS C, SMITH S)

January 21, 2003, read first time and referred to Committee on Roads and Transportation.
February 10, 2003, amended, reported — Do Pass.
February 17, 2003, read second time, ordered engrossed. Engrossed.
February 18, 2003, read third time, passed. Yeas 94, nays 1.

SENATE ACTION

February 24, 2003, read first time and referred to Committee on Commerce and Consumer Affairs.
April 3, 2003, amended, reported favorably — Do Pass.

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EH 1731—LS 7084/DI 109+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1731

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-79.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 79.7. "Inflatable restraint system", for purposes of**
4 **IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-1.**
5 SECTION 2. IC 9-13-2-105, AS AMENDED BY P.L.143-2002,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2003]: Sec. 105. (a) "Motor vehicle" means, except as
8 otherwise provided in this section, a vehicle that is self-propelled. The
9 term does not include a farm tractor, an implement of husbandry, or an
10 electric personal assistive mobility device.
11 (b) "Motor vehicle", for purposes of IC 9-21, means:
12 (1) a vehicle except a motorized bicycle that is self-propelled; or
13 (2) a vehicle that is propelled by electric power obtained from
14 overhead trolley wires, but not operated upon rails.
15 (c) "Motor vehicle", for purposes of **IC 9-19-10.5** and IC 9-25,
16 means a vehicle that is self-propelled upon a highway in Indiana. The
17 term does not include a farm tractor.

EH 1731—LS 7084/DI 109+



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(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

SECTION 3. IC 9-19-10.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 10.5. Inflatable Restraint Systems

Sec. 1. As used in this chapter, "inflatable restraint system" means an air bag that is activated in a crash.

Sec. 2. A person may not knowingly or intentionally install in a motor vehicle, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle.

Sec. 3. A person may not knowingly or intentionally:

- (1) sell;
- (2) lease;
- (3) trade; or
- (4) transfer;

a motor vehicle in which is installed, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident.

Sec. 4. A person who violates section 2 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if a person in a motor vehicle is injured as a result of the air bag tampering.

Sec. 5. A person who violates section 3 of this chapter commits a Class D felony.

SECTION 4. [EFFECTIVE JULY 1, 2003] IC 9-19-10.5-4 and IC 9-19-10.5-5, both as added by this act, apply only to acts committed after June 30, 2003.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1731, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1731 as introduced.)

RESKE, Chair

Committee Vote: yeas 13, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred House Bill No. 1731, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 25, after "misdemeanor." insert "**However, the offense is a Class D felony if a person in a motor vehicle is injured as a result of the air bag tampering.**".

and when so amended that said bill do pass.

(Reference is to HB 1731 as printed February 11, 2003.)

SERVER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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